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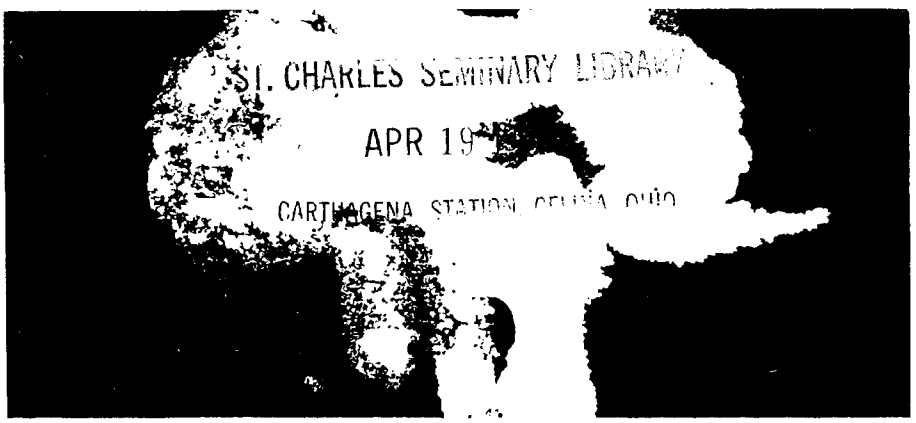

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THE ABM DECISION

Anti-Missile-Establishmentarianism

Betty Goetz Lall

AN OPEN LETTER TO ALLEN GINSBERG

Harvey Cox

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Oswald Acquittal?—*James J. Graham*

A Friendly Fight—*Richard M. Elman*

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CORRESPONDENCE

Catholic University

Philadelphia, Pa.

To the Editors: Norma K. Herzfeld's article on Catholic U. was enlightening, but I fear she missed the whole crux of the problem.

With forty-five million Catholics in this country and the financial potential represented by this figure, it is nothing short of a disgrace and humiliation that an institution bearing the name of The Catholic University of America should not be able to produce a faculty and program of studies rated at least equal to the better secular universities in the nation. If the hierarchy is too narrow to commit itself to academic excellence, for God's sake let them at least change the name of the place! ANTHONY JAMES JOES

"The Jesuit University"

Cambridge, Mass.

To the Editors: Congratulations and gratitude for Martin F. Larréy's "The Jesuit University" (March 31). The criticism is perceptive, positive, and, I am sure many Jesuits would admit, warranted. (REV.) PHILIP C. RULE, S.J.

Abortion

Riverside, Calif.

To the Editors: Your editorial in the March 17 issue, "Abortion and Dialogue," troubled me because it betrayed a tendency to compromise with what has been called "knee-jerk" liberalism. I regard myself as a liberal, but like Pastor Neuhaus, I believe that "liberalism doesn't come in a package." It has puzzled me for a long time why the same humanitarian who rejects capital punishment and is indignant about the dropping of napalm on Vietnamese children, can at the same time so lightly dispose of the life of an unborn baby.

In the March 17 editorial you state: "It is quite conceivable that in the months to come our opinion on the morality of abortion will change; by no means do we preclude that possibility." Do you really think that in the next few months you are suddenly going to discover that the fetus is not a human person and has no human rights, or are you going to decide that *Commonweal* must be in step with *Christianity and Crisis* at any cost?

I hope that this comment will prove to be unjustified, and that you will stick to your guns on the abortion issue. Part of the problem, I feel, is that the Church has confused the issue by appearing to identify abortion with birth control and to condemn them equally. It would help matters considerably if emphasis could be placed on the absolute qualitative difference between the two. DIANA M. RUSSELL

Chicago, Ill.

To the Editors: Referring to your editorial "Abortion & Pluralism" in the February 24th issue, your substantive argument against a change in the abortion laws was excellent! In the last two paragraphs of the editorial you succeeded in making a gigantic contribution to the current public debate. Your thinking and analysis were clear and concise.

Not so with the main theme of the editorial. Mr. Buckley to the contrary notwithstanding, I have of late found myself becoming very exasperated with the view which says that "we should not be trying to foist our moral opinions on other people." It is generally expressed in connection with birth control measures, abortion, divorce and civil rights legislation, but have you ever heard it argued in connection with antitrust laws, burglary, rape, or any of the other hundreds of statutes which are on the books? If we believe that a particular law will best serve the common good, we not only have the right, but probably even the duty to use what influence we have to see that it is enacted. We have no apologies to make to anyone if we can persuade the majority of the people that this is for the common good.

You have made no such apologies for your strong advocacy of the civil rights laws, and rightly so. You feel no qualms about being in favor of the anti-rape statutes. Yet just the other day I overheard a group of latent rapists sitting around talking, and one of them said, "what right has that damn *Commonweal* to foist their moral opinions on us by backing anti-rape legislation!" I heard a somewhat similar conversation at the Union League Club where a bunch of fat capitalists were lamenting the Sherman Act, and the unreasonable restrictions that it placed on them.

Argue all you wish about the merits of liberalizing abortion, but please don't try to shoot down the opposition by telling them they have no right to even argue. JEROME A. FRAZEL, JR.

Anti-Semitism and the Gospel

New York

To the Editors: Those of us who have wrestled, for over twenty years, with the problem of the Gospel texts regarding the Christians' conditioning to anti-Semitism, can but applaud Michael D. Zeik's suggestion for a rewording which would respect the evangelists' "intent" (March 24).

Of course, some may argue about this "intent" in view of the fact that the Synoptics, written about the time of Jerusalem's destruction, and St. John's around 100, were aimed mainly at Gentiles; hence the tendency to exonerate the Romans in the person of Pilate. Also, scholars tell us that the texts (no originals having been found so far) were gone over, edited and re-arranged later, and several times, when the breach between Jews and Christians kept widening. In addition, everyone knows or should know, that the Gospels are not historical works in today's meaning of the word history. They were written for religious instruction, which, of course, does not mean that they have no historical basis, only that history was not their goal.

However none of this (and much more which cannot find room in this letter) could justify anyone's saying that the intent of the evangelists was contempt and hate of the Jewish people, for the simple reason that such would make the Gospel self-contradictory. Yet in fact, taking this very Gospel as reference, contempt and hatred of the Jews have been preached and taught through-

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out Christendom for over 1500 years, as Prof. Jules Isaac—so aptly called to memory by Prof. Zeik—demonstrated authoratively in 1947 in his epoch-making *Jesus et Israel*, a book which had to wait twenty years for an American publisher. (Holt is in the process of bringing it out). Indeed, the matter of wording should be taken care of, but no less, the matter of commentaries. Isaac showed the extent of the commentaries' damage and he fought it relentlessly. . . .

However, the Declaration on the Jews has not solved the problem. As the American bishops have just pointed out, the Declaration has to be implemented. It is not going to be as easy as it might look. The trouble is deep, as Prof. Isaac warned—namely that the theologians make the Gospel say what it does not. Lest one thinks that this happens in Europe only, let anyone open the American edition of Msgr. Knox' New Testament and read the footnotes p.32, 34, 37, 56, 214, 235, 239, 282, to cite only the Gospels, and get an idea of what still goes on in American Christian conditioning to anti-Semitism.

If you point out that this is a 1954 printing of a book with a 1946 imprimatur (yet how could it possibly have the imprimatur in 1946 and, of all places, in England?), you can turn to the 1966 American edition of *The Jerusalem Bible*. There, you will find the same damaging commentaries which raised bitter criticisms from some French Catholic quarters at the time of first publication in 1955. For instance, look up, in the New Testament, p31, j, 49,d, 49,g, 51,a, 55,b, 61,k, 99,g, 129,e, 163,n, 165,f, 165,i, 165,k, to mention but a few of the slanted interpretations which breed anti-Semitism. Now, why were those prejudiced traditional commentaries reprinted in today's American edition? Rather than making a charge of intentional ill-will against the Jews, let us denounce what is more dangerous than outright viciousness, and that is habit: conditioned for generations by religious anti-Jewish slogans, people become impervious to the meaning and impact of what they say, write or read.

Therefore, in this reappraisal of

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THE DRAFT AND CONSCIENCE

"The majority felt that a legal recognition of selective pacifism could be disruptive to the morale and effectiveness of the armed forces. A determination of the justness or unjustness of any war could only be made within the context of that war itself. Forcing upon the individual the necessity of making that distinction—which would be the practical effect of taking away the Government's obligation of making it for him—could put a burden heretofore unknown on the man in uniform and even on the brink of combat, with results that could be disastrous to him, to his unit and to the entire military tradition."—From the Report of the President's National Advisory Commission on Selective Service

In a matter-of-fact tone and with virtually no dissimulation of language, the Marshall Commission simply says that individual moral responsibility is a threat to the nation. Surely the Commission did not intend it so, but in this passage its argument against selective conscientious objection seems more appropriate for Dostoyevsky's Grand Inquisitor than for a presidential advisory group. Its very language is paternalistic. The military tradition—and even the individual himself—must be protected from the "burden" of a personal decision regarding the justness or unjustness of a war. We must avoid *"forcing* upon the individual the necessity of making that distinction" by maintaining "the Government's *obligation* of *making it for him.*"

No one would deny that individual moral choice is indeed a "burden." It is, in fact, the very burden of remaining human. That is what we have learned from the experience of the century, articulated at Nuremberg as well as in Vatican II's Constitution on the Church and the Modern World. We cannot honor the martyrs of totalitarianism, we cannot quote Camus on the need for "men resolved to speak out clearly and pay up personally"—and then support the "Government's obligation" to spare individuals the burden of choosing between just acts and unjust ones. The question of selective conscientious objection deserves better than it received from the Marshall Commission.

The present statute on conscientious objection grants CO status only to those who object to "participation in war in any form." Those who, on

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grounds of conscience, refuse participation in a particular war have no recourse—except to jail. This distinction seems to give second-class citizenship to those religious traditions whose moral teachings on warfare are based on the distinction between just and unjust wars, and whose normal method for reaching moral conclusions involves a prudential examination of the actual circumstances of any action. Thus it is not surprising that, five years ago, a just-war theorist like Paul Ramsey had already declared that draft laws ought to be amended to make allowance "for those who refuse to fight unjustly as well as those who have conscientious objection to all war." The General Assembly of the United Presbyterian Church and the Council for Christian Social Action of the United Church of Christ have since argued a similar position. And only two months ago, the General Board of the National Council of Churches urged that the present CO provisions be extended to "those who are conscientious objectors to a particular war, declared or undeclared."

Why should selective conscientious objection meet any opposition? The usual arguments against it are threefold. First, that the nation could not survive if military service was "an option exercisable solely at the discretion of the individual." The quotation is from an advertisement supporting the Vietnamese war placed in the New York *Times* by Freedom House. Freedom House maintained that selective conscientious objection was a "fantasy" and that "No nation anywhere, now or in the past, has ever recognized that principle." Second, it is argued that selective conscientious objection could not be distinguished from ordinary political opposition. No nation could allow its citizens simply to "opt out" of whatever particular legal obligation they opposed politically. As the Marshall Commission wrote: "So-called selective pacifism is essentially a political question of support or nonsupport of a war and cannot be judged in terms of special moral imperatives. Political opposition to a particular war would be expressed through recognized democratic processes and should claim no special right of exemption from democratic decisions." The Marshall Commission feared that "the legal recognition of selective pacifism could open the doors to a general theory of selective disobedience to law, which could quickly tear down the fabric of government."

Third, it is maintained that "sincere" selective objectors would be indistinguishable from "draft dodgers" who would naturally be opposed to whatever war was going on at the time they might have to serve.

All of these objections are far more cogent in the realm of theory than in actual practice. The selective objector proposal presents its difficulties, as does any proposal for draft reform, as do, indeed, the present draft laws. The question is not whether a perfect conscription system can be devised. The very word "conscription" suggests the virtually inevitable conflict between social and individual purposes. We merely claim that were this nation to take the fostering of moral responsibility as seriously as it does the fostering of scientific skill, it could develop an equitable draft system with room for selective conscientious objection:

1. To the first argument of opponents of selective objection, we would answer that there is virtually no historical evidence to back them up. As a matter of fact, conscription itself is a rather recent phenomenon. Many nations have survived with only professional armies. The British, even during the bombardment by Nazi Germany, managed to exempt from military service those men who admitted they might fight in certain wars but could not morally fight in this one. The fact is that, given the normal spirit of patriotism in wartime and the propaganda facilities available to the government, the nation which could not find enough men to serve its cause would either be no nation at all or be pursuing a cause of such overwhelmingly obvious immorality that refusal to serve it would attain the very results hoped for from the Nuremberg principles.

2. Moral decisions do overlap with political ones, and the Marshall Commission is correct in implying that they are hard to tell apart even if it is incorrect in contending that they are essentially the same. If a potential draftee objects to a particular war on the grounds that it involves widespread torture or genocide, his decision seems clearly a moral one, even if he should have to make some elementary political judgments to define or ascertain the facts. If a potential draftee objects to a particular war on the grounds that it is causing evil disproportionate to whatever good might emerge from it, then he is probably applying a somewhat sophisticated political analysis to the situation; and locating the specifically moral element in his objection becomes much more difficult. Sometimes it seems the moral character of his decision can be identified only by the consistency and intensity of his conviction. Nevertheless, it would seem that the conscription system of a strong society committed to the value of individual freedom should settle marginal cases in favor of the objector.

Instead, the Marshall Commission drags out the hoary conservative bugaboo that concessions to the individual conscience would "tear down the fabric of government." Participation in warfare is clearly recognized as ultimate and exceptional among the many demands a nation puts on citizens. It would be easy to draw the line between exemptions from this particular obligation and exemptions from obligations such as payment of taxes. Far easier, in fact, than to maintain the current line between the rights of conscience of those who object to all wars and of those who only object to particular wars. If the Marshall Commission would have looked the facts in the face, it would have recognized that, given the war in Vietnam and the possibility of many more wars like Vietnam, it is the *absence* of any legal recognition of selective pacifism which is opening the doors to a general theory

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of selective disobedience to the law.

3. The "sincerity" of selective conscientious objectors could be established by detailed investigation in the very way that the sincerity of absolute pacifists asking for CO status is currently established. It could be further established by proposing forms of alternative service which would clearly test the depth of conviction of the selective CO. For example, if younger men are to be called, as now seems likely, either by the present procedure or by lottery, then selective COs could either waive all right to a permanent deferment or remove their names from the lottery so that they would lose all chance of not being chosen for service. Further, their non-military service could be a year longer than military service. Such schemes to sort out selective pacifists from draft-dodgers can be readily developed if the nation has a will to meet the problem.

Conscription laws are not solely derived from abstract, universalistic theories of equality and civic responsibility. They are devised empirically, to serve a society's national goals and foreign policies. The American selective service system is no exception. Selective Service itself consciously employs "the threat of loss of deferment" to impel every male student "to apply his skill in an essential activity in the national interest." A recent article in the *New York Review of Books* quoted a memo in which Selective Service described this policy as "the American or indirect way of achieving what is done by direction in foreign countries where choice is not permitted."

The question of altering our conscription law to allow for the selective CO is also, therefore, a question of precisely what national goals and foreign policies this nation desires. One of the objections to replacing the draft with a professional army, for example, is quite clearly that such a system would not allow the unlimited escalation of small wars without new legislation and considerable public debate. Likewise many of the opponents of selective conscientious objection are simply afraid that the individual moral responsibility it entails might in fact be exercised, and that the widespread uneasiness about the morality of America's current foreign endeavors could not be passed off as general, unrealistic opposition to all war.

Do we want to raise individual responsibility to the level of other national goals? Or do we want to treat it as a nuisance to be kept at a minimum? Are we actually afraid of such responsibility? The Bishops of the U.S. in the Pastoral Statement on Peace and Vietnam partially answered these questions when they insisted that "no one is free to evade his personal responsibility by leaving it entirely to others to make moral judgments." We hope they and others and eventually the government of the U.S. will fully answer these questions by proposing a new legal ground for selective conscientious objection.

Crime, American Style: The President's Commission

A comprehensive reading of the report by the President's Commission on Law Enforcement and the Administration of Justice offers fascinating insights into the aesthetics of crime in America. Unfortunately, the Commission did not fully grasp the import of its own analyses and failed to answer the most intriguing question of all: "Does the very definition of crime contribute to its apparent prevalence (and, indeed, pervasiveness)?" The wealth of information contained in the report clearly indicates that the answer is "yes."

When the Commission inquired into the "vast range of behavior called crime," it did not pause to consider whether at least a part of that range should not be defined as criminal; yet, in a society so committed to the proposition that the solution to the presence of undesirable conduct is to label it criminal, that consideration should be paramount. Of course analysis of crimes such as those involving private sexual conduct, prostitution, gambling, and narcotics did not fall within the ostensible ambit of the Commission's mandate. Yet, the agency felt quite free to ask whether public drunkenness (an offense involving ⅓ of all arrests) could better be handled by non-criminal means. Just why this perfectly reasonable question could not have arisen in the aforementioned cases as well is a mystery—although four of the 19 commissioners did raise it in relation to narcotics in an additional comment to the report. The problem becomes intriguing when we learn that approximately one-half of 1965's 5 million arrests were for crimes lacking "victims" or for breaches of the public peace. The mystery is further emphasized in the discussion of organized crime. "Organized criminal groups participate in any illegal activity that offers maximum profit at a minimum risk of law enforcement interference. They offer goods and services that millions of Americans desire even though declared illegal by their legislatures." Once again, the Commission showed its awareness of the numerous "crimes without victims." Yet the question about our definition of crime was never confronted.

The reasons for this lamentable lapse are apparent. The composition of the Commission itself, a carefully balanced body consisting of policemen and laymen of varying sociological complexion, insured that certain areas would not be analyzed. In addition, the report is replete with encomiums to agencies such as the F.B.I. and the Narcotics Bureau—and these agencies have (to put it mildly) a vested Parkinsonian interest in perpetuating criminal definitions of the conduct they are called upon to regulate. Presumably, the Commission was not

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interested in antagonizing the very agencies from which cooperation was necessary. Thus, without much evidence, it hastily agreed with the Narcotics Bureau's beliefs that "long terms of imprisonment for major drug violators are essential" and "the incidence of addiction in the general population has declined since the enactment and enforcement of the Narcotic Drug Laws." Since public drunkenness laws are (a) so flagrantly punitive, (b) difficult to administer by the police and (c) prohibitive of obviously non-harmful conduct, a more liberal consensus was possible.

Other controversial areas were sedulously avoided. Police corruption was said to have diminished since the '30's (although the Commission admits, "As the scope and variety of organized crime's activities have expanded, its need to involve public officials at every level of goverment has grown"). Civilian complaint boards are judged unnecessary—the Commission's homily on this subject reads, "When [police-dominated review] machinery is fully and fairly used it succeeds both in disciplining misbehaving officers and deterring others from misbehaving." Supreme Court decisions limiting the use of confessions and illegally-seized evidence are not attacked, but the police are admonished to present their needs and justifications for such conduct more clearly in court cases. The problem of street disturbances is dealt with in six short paragraphs, without recommendation. The perennial problem of capital punishment is discussed without conclusion.

The Commission evidently strove for and obtained a reasonable consensus on other issues. Thus, the American system is rated as a failure at (a) apprehending most criminals (78% of all known crimes against property are never solved); (b) processing them through appropriate channels; (c) insuring speedy trials; and (d) rehabilitating them after conviction. Indeed, the failure extends to the maintenance of crime-breeding slums and outmoded assumptions about "the criminal mind." Most of the Commission's more than 200 recommendations relate to these problems, and they range from general prescriptions (elimination of slums) to specific suggestions (automation of procedures for handling complaints about criminal acts). Problems of juvenile delinquency—often the inevitable prerequisite to adult criminality—are handled in detail and with admirable compassion.

Americans worry about crime, but, as with many other social problems, the focus of concern is misplaced. Urban residents fear physical assault by minority group members on unlighted streets in "good" neighborhoods. The "model" drawn by the Commission concludes that crimes against the person are not escalating nearly as quickly as crimes against property, that the incidence of crimes is higher in medium-sized rather than large cities, and that minority group criminals attack their own people. Indeed, most homicides and rapes occur between people who have previously known each other. The poor in the ghetto are the most frequent victims of crime, as they are of all other social ills. Extant hatred and bitterness in the cities are more likely to result in random violence against neighbors rather than the apocalyptic riot of Barry Goldwater's nightmares and black nationalist dreams.

As Presidential Commission Reports go, this one is not too bad. Although it does not come to grips with the reasons why Americans indulge in the apparently schizophrenic pursuit of outlawing numerous forms of conduct and then steadfastly violating their own norms, there are at least hints of the large questions. After all, if 91% of a sample of 1,700 people interviewed by the Commission admitted that they had committed "criminal" acts, what does that term really mean?

Ralph Nader has argued that automobile safety has not been pressed because there are too many vested interests (insurance companies, lawyers, industries subject to economic pressure by auto companies) involved in maintaining the present "system." The story of American crime cannot be fully understood until a similar panoply of interest is analyzed. The "Crime Establishment" in America consists of the Mafia, law enforcement officials corrupted by it, uncorrupted law enforcers who are kept in business by the crime boom, and numerous allied industries servicing one or more of these groups. Although there are hints (several instances of stubborn non-cooperation between police agencies), the Commission Report does nothing to even sketch in the broader picture.

ISIDORE SILVER

(Mr. Silver is a criminal lawyer and member of the faculty of the University of Massachusetts.)

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One-Man, One-Vote Shakes Up Maryland

Annapolis, that history-laden Chesapeake Bay town the National Park Service considers an exemplary "American seaport of the Colonial period," shares its crowded, somnolent charms with the U.S. Naval Academy and the state government of Maryland. This year the Maryland State House, once the U.S. Capitol for nine months, fell to a genuinely reapportioned legislature, ending iron domination by a coalition of Baltimore machine politicians and Eastern shore segregationists.

Social legislation, civil liberties and urban problems received record attention from the reforming one-man, one-vote legislature (a Senate and a House of Delegates) which just ended its marathon 70-day session.

The state's 1661 anti-miscegenation law, the nation's oldest, was wiped off the books, leaving only 16 other states under such stigma. Ownership of the oldest operative

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interracial marriage ban now passes to Virginia, currently defending it before the Supreme Court. The Maryland move knocks another prop from under.

The Assembly became the 18th state legislature, and the first in a border state, to enact an open housing law. It went through the usual whittling process, emerging as a complex system which should make new apartments and new subdivision housing available to all comers by late 1968. Lawmakers also tightened up a previous public accommodations law from which counties used to opt out at their pleasure.

Avant-Garde Discussions

A bill to abolish capital punishment reached the floor with a favorable committee recommendation for the first time. An enterprising death advocate obtained from a state official and presented at hearings a collection of lurid colored photos of some of the state's most brutal murder victims. One legislator said that instead of convincing him capital punishment was necessary to deter such crimes, it convinced him that capital punishment had not and would not deter them. The Senate wanted the death penalty retained for murder of prison guards and policemen, and mandatory life sentences for some crimes. A compromise with the House could not be reached. Only 13 other states have abolished capital punishment. Maryland is avant garde even in discussing it, but most insiders feel abolition is not imminent.

An attempt to broaden the abortion bill was killed. Present law permits abortion when two physicians agree it is "necessary for the mother's safety." The proposed law would have permitted abortion when two physicians agreed that the mother's physical or mental health were endangered, with main concern for the psychological effects of an abnormal pregnancy. Unfavorable testimony by a representative of Maryland's Catholic hierarchy was probably decisive, but the fight took on socio-racial overtones when State Senator Clarence M. Mitchell III said the present law discriminated against the poor. "I live in a ghetto," he said. "I know of a mother who actually lost her mind when she had a ninth pregnancy she didn't want. Poor people are not sophisticated enough to get rid of a child they don't want."

The obsolete McNaghten definition of criminal insanity was replaced by a modern statute suggested by the American Law Institute. Starts were made on prison reform, regulating strip mining and air pollution, limiting sky-high installment and credit charges which are especially vicious to the poor. A state constitutional convention was called to rewrite that inadequate 100-year-old document. Local autonomy provisions poured forth abundantly.

Most ironic of all the Assembly's tasks was attempting repeal of "the Dirksen Amendment" for a U.S. Constitutional Convention which has made its way so quietly through so many state legislatures in U.S. Senator Dirksen's drive to destroy the one-man, one-vote reform. This was passed in Maryland in 1965. The Senate repealed it, getting it to the House of Delegates three minutes before mandatory adjournment. The House kept it from being tabled, 85 to 33, but time ran out.

Nevertheless, the Maryland experience is a typical example of how reapportionment is working. Dozens of malapportioned state legislatures remain. These are probably some of the reapportionment happenings in store for them:

One, the initial flux does not necessarily bring in better legislators right away. Formerly under-represented conservative districts may simply send more conservatives. These may be urban-oriented, but not liberal or even moderate. Some tend to be racist.

Two, a great majority of the new legislators are untried freshmen. Many old-timers remain to be phased out. They still control committees and key positions. "To think," said one freshman delegate, "that the special interests and the old coalition no longer control legislation is a sad mistake." But the old power base has been fatally shaken.

Three, the same old lobbies are still at work, but more subtly. They have given up killing *any* legislation affecting their interests, have turned instead to making the new legislation something they can control.

Four, legislators feel at least they have a foot in the door. Once they establish principles, they can amend for the better the next time around. The big struggles for tighter laws are still to come.

Five, new attitudes and tolerances are being formed. When a Jewish nurse and a Negro doctor got up to testify for a medical bill at Annapolis, one old-timer said that even at the last session this would have meant the end of the bill. Openly derogatory remarks would have been made about the witnesses and the bill would have been laughed into the waste basket. This did not happen.

Six, single local power centers, dominant political machines in cities and counties, are breaking up. Reapportionment is creating numbers of local coalitions which by their very nature represent modern new elements in politics.

Seven, reapportionment is the key reform for progress, but many other reforms are necessary. One of Maryland's legislative triumphs was the passage of a very high graduated state income tax. A major portion will come from wealthy Montgomery County, a Washington, D.C., suburb, which takes *its* income from the nation's capital. Largest share of this tax will probably go to Baltimore, relatively far away. In all justice, tax moneys collected from Washington suburbs should be going to Washington itself, a city in agonizing poverty. Further reforms, therefore, must include flexible regional arrangements and closer cooperation of all pieces in the jigsaw puzzles of megalopolis.

So reapportionment isn't everything, but it is the major opening for states and cities into modern times.

NORMA KRAUSE HERZFELD

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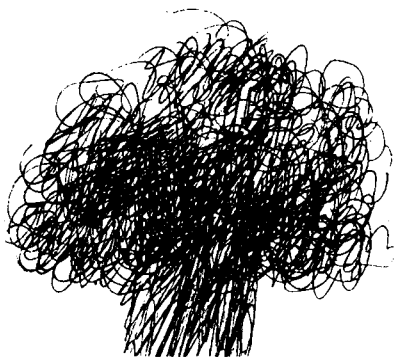
$40 billion for anti-missile-establishmentarianism

BETTY GOETZ LALL



When Secretary of Defense McNamara announced last November that he was stepping up production of the newest U.S. strategic missile, the sea-based Poseidon, because there was increasing evidence that the Soviet Union had begun to deploy an anti-ballistic missile defense system around Moscow, he may not have anticipated the storm of controversy he was brewing up. His announcement raised the pitch of the debate about whether the United States should move from the research and development stage to the production and deployment stage of its anti-ballistic missile, the Nike X. The Secretary of Defense clearly does not favor spending an estimated $40 billion over a ten-year period for such a weapon of dubious effectiveness. If the United States were to deploy an ABM and the Soviets were then to act to counter this with an improvment in their own offensive capability, Mr. McNamara has said: "In all probability, all we would accomplish would be to increase greatly both their defense expenditures and ours without any gain in real security to either side." But since the Joint Chiefs of Staff and some important members of Congress favor early deployment of an ABM system around 50 American cities, along with a necessary accompanying large-scale fall-out shelter program, it seems prudent to examine the policy choices before the American government and people at this point in time.

What are the choices? 1. *Produce and deploy the currently developed Nike X system.* Enough research has been done on this system to consider it deployable. If the Soviet Union took no measures (a rather optimistic assumption) to counteract the Nike X, deployed both as an area defense and around about 50 cities, it is estimated that the U.S. fatalities from a Soviet strike might be reduced from 120 million to 30 million. If the Soviets improve their offensive capability to counteract the effect of the Nike X, which they easily can do, then the U.S. fatalities would remain at about 120 million.

The system itself would consist of three parts: a long-range interceptor missile, the Spartan, which would aim to detect and destroy Soviet incoming missiles above the atmosphere as much as 400 miles away; a short-range interceptor missile, the Sprint, which would attempt to destroy those attacking missiles getting by the Spartan; and a fall-out shelter program to protect people from the inevitable fall-out which would descend upon them by the detonation of the U.S. and Soviet missiles intercepting one another with their respective large nuclear warheads above large U.S. populations.

There are two main advantages in deploying such a system. One is the obvious saving of some 90 million lives in the event of a full-scale Soviet nuclear attack on American cities and provided no measures were subsequently taken to improve the Soviet missile capability to counter the U.S. deployment of Nike X. The second advantage is the possible further deterrent effect on the Soviet Union: it would not try to attack the U.S. because with the Nike X the U.S. would probably have the strength to counterattack and kill millions of Soviet citizens. Another, rather weak, argument is that other countries might be less likely to build their own nuclear weapons. Instead they would rely on a U.S. guarantee to come to their aid in the event they were attacked with nuclear weapons. It is contended that, if the U.S. had an ABM system deployed, such a guarantee would be more credible, i.e., the U.S. would be more likely to risk attacking a nuclear

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aggressor if it knew that its own population was relatively more immune from nuclear attack. A fourth possible argument is that the U.S. should adopt the Soviet strategy, spend money for an ABM system, and reduce its concentration on offensive missiles. The U.S. has been spending roughly $4 billion on offensive missiles for every $1 billion spent on defensive systems. If this ratio were reversed and the Soviets were also to rely primarily on defensive strength, then the U.S. offensive strength, which is considered four times that of the Soviet Union, may become less ominous to the Soviets and a reduction in tensions between the two countries might result.

Several Arguments

Arguments against ABM deployment include the following: First, the cost (estimated by McNamara to be $40 billion for defense of 50 cities and up to $100 billion for all major cities) is not worth it since it is unlikely that such a system would in fact reduce U.S. fatalities. The Soviet Union would surely counter U.S. deployment with stronger offensive systems, thus completely nullifying the U.S. effort. Such a large amount of money is more usefully spent elsewhere, on better offensive systems or on needed non-military projects.

Second, if the Soviet Union reacted to American Nike X deployment by improving or enlarging its own defensive force, the U.S. might then feel required to increase its offensive force, thereby reducing the possibilities for de-escalation of the arms race, improved U.S.-U.S.S.R. relations, and further arms control agreements. (In particular, ABM deployment would diminish chances to extend the partial test treaty to cover underground tests, because such tests give information on ABM effectiveness: it would reduce possibilities of an agreement to stop production of fissionable material for weapons purposes because the U.S. or the Soviet Union may decide they need to continue production for ABM nuclear warheads.)

Third, U.S. allies may decide that if the U.S. must have an ABM system, so must they, thus further reducing the likelihood of containing the spread of nuclear weapons. West Germany may have in the ABM a more effective argument for acquiring nuclear weapons than she had in wanting to participate in a NATO sea-based multilateral nuclear force. Germans might claim, just as the Russians do, that nuclear warheads for an ABM system are only defensive and, therefore, cannot be a threat to any nation.

Fourth, an ABM system may cause the American people and government to believe themselves invulnerable to attack and consequently to lose interest in further efforts to reach arms control and disarmament agreements; similarly, other countries would note the lack of U.S. and Soviet restraint in the arms race and conclude they should not show restraint in arming themselves.

Fifth, the U.S. is not yet absolutely sure what the Soviet Union is doing or is ultimately intending to do regarding an ABM system; a hasty U.S. decision to go ahead and deploy an ABM system might destroy the forces of restraint in the Soviet Union. (It is known that some Soviet scientists have urged their government to go slowly on deployment; if they have had some measure of success, a decision by the U.S. for major deployment would certainly weaken their position.)

Sixth, the U.S. deterrent posture should not be determined by imitating precisely whatever the Soviet Union chooses to do. There is no necessary principle of defense that states that because the Soviet Union has a certain weapon or employs a particular strategy the U.S. must follow willy-nilly. In fact, when the Soviet Union spent for air defense systems over twice what the U.S. was spending, the U.S. reaction was not to ape the Soviets in building more air defenses, but rather to concentrate on offensive weapons.

All this for and against argument, however, still leaves other choices to be considered:

2. *Decide against deployment now and concentrate on continuing to build offensive strength to overcome the disadvantages of any Soviet ABM system.* The main argument for this approach is that the deterrent to Soviet attack lies primarily in having a good offensive capability. Furthermore, the cost of a given amount of offensive capability is much less than the cost of a comparable effort in the defensive field. Offensive strength gives, moreover, greater confidence to U.S. allies that we have the wherewithal to protect them in the event war comes.

Placing major emphasis on continued offensive strength has its own disadvantage, however. This can pose as a threat to the Soviet Union, more so than defensive measures. Consequently the Soviet Union may feel compelled to continue its offensive buildup and to doubt the United States' interest in finding ways to curtail armaments.

3. *Seek agreement with the Soviets not to deploy further any ABM system.* This step would have the advantage of precluding vast expenditures for defense on either side. The status quo of the existing deterrent would remain. Each side would know that the other possessed overwhelming power to deliver deadly blows on its people causing 100 to 120 million fatalities to each side. Such an agreement might be embodied in a formal treaty or it might be an understanding or declaration made by the two sides. The need to perfect further the offensive missiles of both sides would decrease; for example, the U.S. may find it unnecessary to replace the Polaris sea-based missiles with Poseidon, thus saving at least $1.9 billion.

An agreement not to deploy an ABM system would not require inspection on the territory of the two powers. Satellite reconnaissance can detect the large radars and other equipment related to an ABM system.

Soviet unwillingness to negotiate any kind of an agree-

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ment on defensive weapons that lets offensive weapons stay intact is the main impediment to an agreement not to deploy an ABM. The Soviet Union has always been more defensive-minded and traditionally has spent more money on defensive measures than has the United States. Therefore, Moscow, would not feel that its security had been enhanced if the U.S. were free to improve and enlarge its strategic offensive strength while the Soviet Union was forbidden to undertake defensive measures.

A simple limitation on ABM deployment by the U.S. and the U.S.S.R. had been the preference of the Secretary of Defense. In his budget presentation earlier this year the Secretary said that, although the U.S. would continue to push ahead with its ABM development program, the U.S. would "initiate negotiations with the Soviet Union designed, through formal or informal agreement, to limit the deployment of anti-ballistic missile systems." But since the Soviet Premier, in a recent letter to President Johnson, announced that he would not be content with so restricted a proposal, this leads to a fourth choice.

4. *Negotiate an agreement to limit both offensive and defensive weapons.* President Johnson apparently concurred in the Soviet request mentioned above to consider limiting both offensive and defensive missiles, and has instructed his Ambassador to the Soviet Union, Llewellyn Thompson, to pursue discussions. The principal advantage of this move is that, if successful, it would achieve a stability of the deterrent at no higher level than exists today and possibly even at a lower level. Money would be saved and valuable manpower released for other high priority projects. Non-nuclear powers would be encouraged to sign a treaty preventing the spread of nuclear weapons. Their chief complaint about such a treaty at present is that it would deny them a weapon which the two nuclear super powers had in great quantity but refused to limit in any way for themselves—relegating non-nuclear powers to a permanent position of inferiority. Already such a claim is being made among groups in West Germany, India and Japan. Restrictions on U.S. and U.S.S.R. offensive and defensive strategic weapons would demonstrate that these nuclear powers were acting to control their most important weapons.

But when offensive weapons are added to defensive as part of international arms control negotiations, there arise two added difficulties from the U.S. point of view. The U.S., since World War II (it did not take this position in the inter-war period) advocates rather complicated inspection procedures whenever it considers reducing an important part of its weapons arsenal, and these inspection procedures are usually so elaborate as to be unacceptable to the Soviet Union. The U.S. demand for inspection springs from a profound distrust of the Soviet Union, a suspicion that it would not honor its commitments; by the same token, the Soviet Union has rejected most U.S. inspection demands out of a profound distrust of the United States, a suspicion that it would use inspection as a means to carry out anti-Soviet activities in the Soviet Union. Whether this mutual distrust has dissipated sufficiently for the U.S. to moderate its inspection requirements and for the Soviet Union to accept some inspection is unlikely; but since relations between the two powers have improved slightly (though they would probably improve much more if the Vietnam war could be brought to a satisfactory end), a serious and sustained exploration of possible areas of agreement is certainly justified.

This brings us to the other problem in pursuing this choice, and that is the reluctance of powerful U.S. political and military leaders to see any diminution of the U.S. offensive strategic strength regardless of what policy is pursued by the Soviet Union. During the Senate consideration of the partial test ban treaty in 1963, the importance of testing for the perfection of weapons, both offensive and defensive, was one of the major concerns of those Senators who were skeptical about the treaty. Additionally U.S. political leaders have convinced themselves that offensive strength is the key to security and that the margin of superiority of U.S. to Soviet strategic offensive strength must be substantial (it is now between 3 or 4 to 1). Any attempt, therefore, to limit strategic offensive weapons is likely to be regarded with hostility by some influential members of the Congress and many members of the military, especially the Air Force.

The crucial question is, what kind of an agreement might be worked out. At the outset it should be understood that serious negotiations on what both sides regard as the heart of their military strength will necessarily be long and arduous. One of the advantages of such negotiation is that it would provide both sides with a reason to defer further activity in the defensive area and to slow down the pace of what they were doing in the offensive area.

The precise nature of any agreement will be delicate to work out. There are four aspects: deployment, reductions, production, and research and development. No one appears to be advancing any scheme to curtail research and development. This is difficult to inspect, and although provocative in a sense, not nearly as much so as either production, deployment, or an unwillingness to reduce existing stockpiles. With respect to deployment, it would probably not be a difficult task for each side to

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ascertain through reconnaissance satellites and other intelligence techniques that the other side was not increasing its deployment of either defensive or offensive strategic weapons. Furthermore, it would not be difficult to check on reductions of missiles, since this could be done by a so-called bonfire approach; each side would place its missiles in a given location for destruction, and destruction would be observed by those from the other side or by an international inspection team.

The more difficult question is that of production controls. In 1964 the United States proposed a production freeze on offensive and defensive weapons which would cover not only a freeze on the number of strategic missiles produced, but also on all of their important characteristics. This proposal had attached to it an elaborate inspection procedure requiring entry into all the known production plants for producing missiles as well as spot checks into other plants to insure that no missiles were being produced surreptitiously. However, if the freeze did not extend to the characteristics of missiles but only to the rate at which existing missiles could be replaced, then the inspection procedures might not be so onerous. This might not even require inspection of production plants, but rather, only inspection of the replacement. Such a procedure might be sufficiently unobtrusive to be acceptable to Soviet leaders.

The possibilities for agreement may be dependent on the course of the other areas of Soviet-U.S. relationships, particularly Vietnam. Any agreement may have to await the outcome of that struggle, but if that outcome can be mutually satisfactory, then there is real hope that the perplexing ABM problem can also be resolved.

AN OPEN LETTER TO ALLEN GINSBERG

HARVEY COX

Dear Allen: Several weeks ago, amidst the soft candlelight and gentle waves of the Esalen Institute at Big Sur, and in the presence of 50 rapt listeners, you asked me a question that has buzzed in my head ever since: "What *is* Christianity going to do about the hippies?"

If you had asked me that a few weeks before, my response might have been a glib shrug or a packaged sermonette on the Social Responsibility of the Christian, etc. But by the time you asked it I had been in California a week, including several disquieting but illuminating hours in Haight-Ashbury. I had visited the I and Thou Coffee House, heard enthusiastic descriptions of the "Human Be In" and listened to the Quicksilver Messenger Service. Since our talk the hippie community has made the scene not only in *Ramparts,* but in *Life* and *Newsweek.* I did not begin to answer your question adequately that night so I want to make another stab now.

Here goes: First, your question to me was neither a querulous nor a merely rhetorical one. As the elder statesman of one of the most significant subcultures in American society you simply wanted to find out what "Christianity" (by which I suppose you generously but mistakenly meant me, the other so-called "younger theologians" and their ilk) thought, and might even *do* about it all. You had a right to ask the question. The movement *is* significant. I am told *The Oracle,* the underground newspaper of the San Francisco hippie scene now publishes, and sells, between 40 and 50 thousand copies per issue. With the swelling tide of people under twenty-five growing into a tidal wave, I can imagine one possible scenario of America in 1975 in which not just thousands but millions of youngsters have dropped out of the larger society and tuned in on one of the newly emerging tribes now appearing in the garret sections of our cities.

If Haight-Ashbury is any indication of the kind of life they will be leading it could be a life of quiet, noncompetitive, sensuous communalism. They will chant Hindu mantras, as you and Cary Snyder did at the now-famous "Human Be In" at Golden Gate Park last January. They will write and read poetry, much of it as erotic as hell. They will share food, clothing, shelter and beds—especially beds—in a way that undercuts the society's preoccupation with property rights. They will experiment with the less addictive hallucinogens, to the dumb horror of their Martini-swilling parents. They will paint their faces in bright turbulent colors, strut through the streets in capes, epaulettes and sashes, and oppose the war in Vietnam (which by 1975 may have reached its one hundred fourth escalation, our nine-year old sons by then spraying the napalm). They will be waiting for the collapse of the old order, which they feel sure is imminent, so they can build what you and others of their spokesmen call "a new community of love and full human consciousness." Note to readers: if you think for a moment that your children and mine will be immune to the powerful enticement of

HARVEY COX, *author of* The Secular City, *here contributes another of his regular columns.*

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such a life you are probably just as "turned off" as Ginsberg says you are.

One step back to the safe detachment of sociology: why has this subculture emerged? Remember two things about these youngsters with the weird clothes and inscrutable ways. First, they are the only generation ever born into a world where someone thousands of miles away could incinerate them instantly and without warning in the name of an ideological struggle which means as little to them as the contest between the Guelphs and the Ghibellines. This makes a difference. Industrial societies are premised on people's willingness to delay gratification, discipline their emotions, be rewarded later. The Bomb carves a big question mark next to all this. They want it all and they want it *now*. Second, they are the first generation to grow up in an affluent-welfare society. They have none of the unconscious drive, instilled in all of us who weathered the thirties, to be able to *do* something *marketable* so we can eat. It seems never to cross their minds that someday the food might not be on the table.

The answer to my well-over thirty-ish question about this mundane subject to a lovely young hippie brought a typical answer: "Food?" she asked, as though she had never really considered the question before; then she smiled beatifically and said with consummate serenity, "But food *is*."

Certain Intrusive Thoughts

At this point, Mr. Ginsberg, the sophisticated Christian theologians must fight down certain intrusive thoughts. One is that disturbing saying of Jesus, "Take no thought for the morrow, what ye shall eat or what ye shall drink or wherewithal ye shall be clothed." This was of course a counsel of perfection, an interim ethic or maybe even a 9th century scribal insertion. But there are some other intrusive ideas he has to deal with too. The first century Christian church in Corinth probably looked disturbingly like these ragamuffin misfits and had about the same relevance to its urban power structure. The desert fathers preserved vital elements of human culture during a dark period not by penetrating the imperial power centers but by building a "city in the desert."

Some of their experience and visions, if Saint Anthony is any example, allow us to be a little less shocked by the uxorious imagery one finds in the privately printed poetry for sale on Telegraph St. If the mendicant orders denounced wealth and lived by the begging bowl, the Diggers group in Haight-Ashbury goes them one better: they give away food and clothing and joyously burn ten dollar bills in little brass urns.

But, like I said, a well-trained theologian has to resist making facile comparisons or constructing rickety analogies. The Corinthian Christians had no social action committee because they expected the imminent return of Jesus Christ to judge the kingdoms of this world and establish an era of love and brotherhood. But he didn't come, did he? The desert fathers dropped out because they, poor souls, lived in a period in which the church was hopelessly compromised with the secular world's lust for real estate and earthly power, mistakes we have now firmly left far behind. Haven't we? The mendicant orders gave up their treasures, forsook violence and talked to the birds and the sun because they somehow believed there ought to be a visible difference between the way people turned on by Jesus should live in contrast to those who had not. They had not heard about incognito discipleship. Besides, we've learned as Christians to discount apocalyptic visions. We all know that our civilization—with its universities, student organizations, poverty bureaus and churches—is not really headed for collapse.

I wish I could be more convincing.

But then there's my trump card, albeit a somewhat non-theological one. Your urban descendants of the catacombs, the Calabrian monasteries, and the Oneida community mess it all up Mr. Ginsberg, with one filthy habit. They smoke pot. Some of them even take LSD, and we've all read in the New York *Times* the awful result of going down that path. So they are really only adolescent escapists after all, junior junkies. On with the Consultation of Christian Unity!

You say it's funny how adult society can accept the use of some chemicals to induce certain states, but recoils in horror at others? Aspirin, tranquilizers, pep pills, Sleepeze, No Doz? That's our trip kit. Then there are Martinis, Rob Roys and double bourbons. Some careless people assert that we over thirtyers imbibe this stuff to relax, to lower our inhibitions, to help us enjoy a party, a conversation, even a conference, i.e. to induce certain states of consciousness. But we don't of course. We drink only because we're thirsty, baby, only because we're thirsty. Anyone who believes that the present laws about marijuana will, in ten or twenty years, be in the same limbo laws against drinking alcohol now inhabit is just plain wrong. Or he may just be over thirty.

No, Mr. Ginsberg, I still have no persuasive answer for you. Oh, I could make a few debater points if I wanted to. There are millions of people in India and in Brazil today who couldn't care less about taking an acid trip. They just want something to eat. For them, despite my lovely hippie informant, food *is not*. Also, the desert fathers had something going for them you do not. When the empire fell it didn't poison the desert. But if somebody pushes the red button we'll all be on the same funeral pyre—you and me and Billy Graham and Dean Rusk. Haight-Ashbury will be just as incinerated as Madison Avenue. This is why I am terribly interested in the effort you're making to relate the hippies to the new left, to start looking for concrete ways to love and to change the society we all still live in.

Also, even the hippies' community has its sectarian and internal squabbles, just like the church. And some of the

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kids I saw there seemed just a *bit* young to be ingesting Lysergic Acid Diethylamide. To tell you the truth some of them looked real turned *off* to me. Still I won't press the point, and I realize we Christians have turned off our share of souls in the millennia we've been in business. Besides, your question to me was not a defensive one but an inquiry. My answer is you may be right. Chanting *mantras* and repeating Zen prayers may be as close as you and your unkempt friends can come to religion, at the moment anyway.

Still, your question makes me wonder whether we theologians who chant the praises of the new city and hopefully repeat the promise of technology may need to ask some questions too. Not to you but to ourselves. Have we looked with real candor at the price we exact from the young in emotional deprivation and the erosion of the affective side of life in order to fit them into the niches of an increasingly rationalized and complex society? Are there some inner values of the garrison-competition-success-performance society about which Christianity should ask some very telling questions? Where in the world of jet schedules, omnipresent deadlines, incessant phone calls and numberless good causes to support do we discover places to meditate, to touch the inner selves of those closest to us, to make love unhurriedly, to walk nowhere in particular, to examine the astonishing form of a child's ear?

Maybe you and your shocking friends are reminding us of something about Christianity we'd almost forgotten, the rhythm of dropping out, listening and then dropping back in. I confess I still perversely hope you and most of the hippies will drop back in someday. Maybe this elemental oscillation between withdrawal and action is something we all need much more than we are willing to admit. Maybe that's just why you bug us. We need places we can go, the secular equivalent of monasteries, to "turn on" again. We even need communities of people who are experimenting with the cultivation of what is essentially human in life, so that when the computers take over the white collar drudgery we are all so caught up in, we won't have to have ourselves committed to the happy farm. And maybe, if we work on all this as hard as we race after the bitch goddess of success and the green stuff the Diggers so ecstatically immolate we won't even need sugar cubes or fermented grain to help us do it.

Maybe Christianity is finished, Mr. Ginsberg. Maybe it has made its essential contribution and henceforth its impulses will be picked up and carried on by persons and movements it refuses to recognize. But it may also be true that Christianity is only in its infancy, that it will learn to open itself generously to the most threatening and disturbing movements around it, that it can yet provide a revolutionary human vision and a contagious spiritual discipline. And perhaps both of us will live long enough to see which way it turns out.

"Rush to Judgment"

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ACQUITTAL FOR OSWALD

JAMES J. GRAHAM

After all that has happened, perhaps no one can approach, with an open mind, new developments in the assassination of President Kennedy, but it is only fair to say I came to the preview of the movie "Rush to Judgment" with several latent biases.

I thought that Mark Lane had been treated shabbily for refusing to listen to the voice of the Legal Establishment. It also seemed unjust that the Warren Commission did not afford counsel in a real sense to the dead defendant, Lee Oswald; instead the Commission made a blatant public relations gesture of designating the President of the American Bar Association, a corporation lawyer, to act in an uncertain capacity. Finally, I felt the Commission proceeded with unseemly haste to reassure a skeptical world that we are not a nation of murderers. To one who traveled in the South during those hate-filled months in the summer and fall of 1963, it was difficult to believe that it was a leftist *schlepp,* acting alone, without apparent motive, who flawlessly carried out one of the major crimes of this century.

These sentiments were reinforced by Mark Lane's low-keyed documentary, which derives in large part from the book of the same name. Whereas the book may be described as a brief for the defense, the abbreviated filmed version suggests the way the case for the defense would have been presented in court if Oswald had lived.

Lane, in the role of defense counsel, appears in almost every scene. Except for newsreels and charts, the entire format of the two-hour black and white film consists of direct examination by Lane of his witnesses with the major sequences separately introduced by stark, soundless titles across the middle of the screen. The clear

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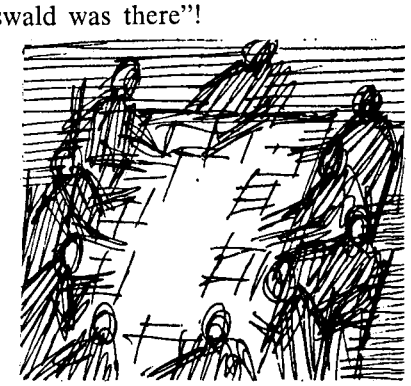
intent of his line of questioning is to plant in the public mind, in the language of the criminal statutes, a "reasonable doubt" of his client's guilt. As in the book, Lane also makes a collateral attack on the Report by showing that the Commission was strangely selective about the evidence it relied on to buttress its Summary and Conclusions.

The film will not cheer those, including some in high places, who have called Lane a sensationalist. (At the hearings, J. Edgar Hoover testified that if Oswald's mother had been serious about ascertaining the facts, she would not have hired Mark Lane.) Without leading his witnesses, Lane questions them as a proper attorney would at an actual trial; his only departure from good form consisted of asking several times if the witness thought it curious that the Commission had not invited him or her to testify.

Lane virtually batters the viewer's senses and intellect with a lengthy series of witnesses who swear that they and a crowd of policemen heard the rifle shots come from an area in Dealey Plaza to the right front of the presidential motorcade. Two of the "fence" witnesses innocently underscored Lane's theme by twice answering in response to Lane's queries that *now,* however, they believe the firing came from the Book Depository because "Oswald was there"!



Wisely, considering the tragic context, Lane and his director, Emile de Antonio, chose not to reach for moments of high drama. The film effectively opens and closes with newsreels of the reprehensible press interviews by Dallas police officials and District Attorney Wade, all of whom bruited Oswald's guilt across the country before the evidence was in. These, together with some chilling testimony concerning threats of violence, attempted and actual homicides, an alleged suicide in a Dallas jail and an accidental death, all surrounding key participants in the assassination events—plus testimony overlooked by the Commission linking Jack Ruby with the Dallas police—suffice for drama.

Lane undoubtedly will be criticized for presenting only one side of the case but, as defense counsel, this was his sole obligation. Likewise, under our legal system, Lane does not have the burden of proving his client's innocence or that conspirators, whether of the Left or Right, killed the President.

The Warren Commission, on the other hand, was charged like a jury to find the facts; but, to quote Murray Kempton, because it also had the task of doing a "cosmetic job on the American image," the Report combines elements of a prosecutor's brief with an appellate court's decision upholding a jury's verdict. In this case, for all practical purposes, the jury was the investigating agencies.

Certainly, the Commission began and ended its work with an official indictment of Oswald. The totality of Lane's efforts creates a strong inference, not that the Commission engaged in a "whitewash" but that it hammered out of the available evidence a ragged, though unbroken, chain of circumstances pointing to Oswald's guilt. In addition, Lord Devlin, the eminent British jurist who accepts the Report, wrote ". . . the (Warren) inquiry necessarily began with Oswald as the chief suspect and its scope depended on whether the suspicion could be proved . . . if it could not the whole field was open and the inquiry began without a clue."

The Commission, therefore, in a purportedly definitive verdict, found Lee Oswald, without benefit of counsel, guilty of murdering his President and a Dallas policeman, and stained Oswald's memory and the good reputation of his family with that finding. True, the requirement that counsel be provided in felony cases technically applies only to living defendants, but it is also true that we seldom go about convicting dead men.

If the film makes no other contribution to the accounts of the assassination, for the benefit of troubled historians it depicts Oswald in newsreel sequences as a weak, pathetic creature, meekly but firmly protesting his innocence up until the time the charade in the Dallas police station concluded with his own murder.

This, of course, would not suffice to create a reasonable doubt as to Oswald's guilt if the allegations made by Lane in his film and in the book are not supported by the available evidence. The real impact of the film admittedly depends on the extent to which one believes Lane. Considered in isolation, the movie has shock value but nothing else.

Curiously, on a recent telecast entitled "The Warren Commission Answers Its Critics," a Commission attorney, Albert Jenner, actually created some new doubts himself by affirming that the Commission had interviewed all available witnesses "within the limits of time and expense." Most of us had assumed there were no such limitations.

One of the individuals the Commission did not take cognizance of, Acquilla Clemons, calmly advises the cinema audiences that she saw two men participate in the murder of Officer J. D. Tippit and neither of them resembled Oswald. Clemons further disturbs the viewer's cool by stating that a Dallas police investigator later warned her not to tell the Commission what she knew about the incident or she would be killed.

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Since Lord Devlin in his March, 1965 *Atlantic* article conceded that the evidence *on the face* of the Summary and Conclusions volume (his remarks indicate even he did not read the testimony) linking Oswald to the murder of President Kennedy would be insufficient if Oswald were not guilty of the Tippit killing, I went to the relevant testimony in the hearing volumes as a test of the veracity of Lane's allegations. I found that if Lane's other references are as sound as these, he has done considerably more than chip away at the Commission's case.

For example, the Commission relied heavily upon a supposed eyewitness, Markham (p. 168), who identified Oswald as Tippit's killer despite the fact that the transcript shows she otherwise described the killer to Lane; Markham at first testified to the Commission that she did not have a conversation with Lane. The transcript also by no stretch of the imagination supports the Commission's assertion that Markham "offered an explanation" (p. 157) for her original denial that she told Lane the gunman was short, with bushy hair. Markham gave *no* explanation and the Commission seemed more intent upon attempting to establish that Lane told Markham he was a policeman than in procuring from her an accurate description of the killer.

The Commission also satisfied itself with the fairness of the Dallas police line-up procedures (p. 169) by viewing photographs of other men in the Oswald arraignment *submitted by the Dallas police*. The Commission ignored the testimony of taxi driver Whaley who said Oswald could be heard complaining (justly) about being exhibited with teenagers.

The Commission's Summary and Conclusions inexplicably ignores most of the lengthy testimony of taxi driver Scoggins who said he did not see Markham at the scene of the Tippit murder and who also contradicted her testimony on the vital question of the direction from which the killer approached Tippit's car. While checking Lane's references I uncovered another important contradiction which may explain why the Commission gave short shrift to Scoggins.

The Report correctly states (p. 169) that witness Callaway saw the killer pass Scoggins' cab with a revolver held high in his *right* hand (Vol. 3, p. 352). Scoggins, who picked out Oswald at the Whaley lineup (after seeing his photograph in the newspapers) but later, looking at snapshots, identified another man as the killer—Scoggins testified that the killer ran from the scene with a revolver raised in the firing position, in his *left* hand (Vol. 3, p. 327). Both men, in response to questions from the Commission's attorneys, who seemed concerned, were emphatic about the position of the gun. Scoggins, in fact, described how the man's right hand swung at his side as he ran.

Now, since it does not seem likely that Tippit's murderer, before he decided to conceal his weapon, would change it to his unaccustomed hand, it is important to know, for identification purposes, where the killer held his revolver. Why? The Warren Commission, interestingly enough, does not say so explicitly but the photographs of Oswald attached to the Report and the simulated arrangement of the Mannlicher-Carcano rifle at the Depository window, show clearly that Oswald was right-handed.

If we credit Scoggins completely, perhaps we must reach the awful conclusion that Oswald had nothing to do with the murder of Tippit and, therefore, did not assassinate the President. But, at the very least, in the light of the massive array of contradictions, gross errors and omissions by the Commission, it is a rank mistake to belittle Lane and others for doubting the Report. On this record it is not so far-fetched to believe that a good defense attorney would have been able to win an acquittal for Oswald, and this is what the American tradition of criminal justice is all about.

With good intentions, the Commission rushed to terminate its investigation and, in so doing, inadvertently diminished the stature of the man whose murder they were supposed to resolve. John Kennedy, Patrolman Tippit and even their alleged assassin, another human being, deserved a better inquiry. It is quite likely that Mark Lane's film will encourage the growing chorus of responsible critics who say the Commission's work should be resumed.

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CATHERINE MURRAY

FOR YOU

A frame of mind
is a poem,
dust
becoming
part of furniture
by resting quietly,
colorlessly,
in the carvings,
indentations of a table
or chair,
is a poem.
And all words
would be poems,
pressing themselves into form
or being formless,
leaning,
one against the other,
poems.
You
quietly remaining
you
always, you,
a poem.

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BLACK AND WHITE AND RED ALL OVER

THE SCREEN

I suppose "Hombre," with its roster of hardened characters and James Wong Howe's handsome color photography, could be called a western. But actually it is more than just another movie about the west where men are men and smell like camels. Along with its story, somewhat reminiscent of "Stagecoach," about an ill-assorted group on a perilous trek in the 1880s, is a series of lectures and illustrations on greed, stoicism, prejudice, nobility and various other subjects. However, in spite of its talkiness and highfalutin messages, producers Martin Ritt (who also directed) and Irving Ravetch (who also wrote the script with Harriet Frank, Jr.) managed to make "Hombre" into a movie that is both exciting and interesting.

The acting throughout, while not spectacular, is very good. Paul Newman, looking sullen and sunburned, plays Hombre who was given that name by the Apaches that raised him, and who still prefers Indians to whites. Among his fellow passengers in the coach are: a crooked Indian agent (Fredric March) with a satchel full of money and his snooty, considerably younger wife (Barbara Rush) who mistakes Hombre for an Apache and insists he sit on top with the Mexican driver (Martin Balsam); a hardened frontier woman (Diane Cilento) who has lived and loved and has that inevitable heart of gold; a nasty-tough bully (Richard Boone) who has a heart of lead—or none at all; and a three-months bride and groom whose marriage is already shaky. What happens when the coach is held up and the weary travelers, led by Hombre of course, have to make their way in heat and cold through the craggy landscapes is fascinating. Although the outcome, when the scorned Hombre turns out to be the noble and heroic savage, is rather predictable, and some of the dialogue too sophisticated for this genre, the picture as a whole is well worth your attention—as is any film that succeeds in being entertaining while condemning intolerance and cupidity.

It's unfortunate that most of the pictures preaching racial harmony and probably having their hearts in the right places turn out to be so poor as entertainments. A couple of weeks ago, "Dutchman" arrived and seemed to be trying to scare audiences out of the theater. Now producer-director Otto Preminger's "Hurry Sundown" is on our screens. I'm sure Mr. Preminger didn't aim at boring viewers or making them laugh at the wrong times, but he's doing just that in a 145-minute opus that has an outstanding cast and a clutter of clichés about blacks and whites.

Even the good cast can't save the dreary, old-fashioned script based on the K. B. Gilden novel about a post-World War II Georgia town: Michael Caine as the mean opportunist who's buying up land like mad and is determined to get two more farms, one owned by his cousin (John Phillip Law) and the other by a Negro (Robert Hooks) who is adamant about not selling; Jane Fonda as Caine's Southern belle nymphomaniac wife; Burgess Meredith as a bigoted judge; Diahann Carroll as a schoolteacher whose experiences in Harlem have made her uppity, against marriage but not against shacking up with Hooks; and many many more performers, all taking themselves seriously in stereotype roles as if this were the biggest epic since "Gone With the Wind." I doubt if even the scenes in bad taste and those relying on sex symbols to make their point will hold the restless audience. One thing, and perhaps the only thing in favor of "Hurry Sundown," is the suggestion at the finale that blacks and white might get together and work together. But who will wait for the finale? PHILIP T. HARTUNG

STAGE WAR

THE STAGE

Two shows that opened and closed in the same week involved some of the American theatre's most prestigious talents: Ulu Grosbard's production of Frank Gilroy's "That Summer—That Fall" (*at the Helen Hayes*); and "Dynamite Tonite," "an opera for actors," words by Arnold Weinstein and music by William Bolcom (*at the Martinique*). The latter represented not only a combining of talents drawn from the Actors Studio and the Second City, but also one of the commercial theater's rare second chances; it was previously produced here in 1964, for one performance. It's hard to imagine, at any rate, how the Martinique production could be much improved on—particularly in Paul Sills' direction, and in the performances of George Gaynes, Gene Troobnick, Allyn Ann McLerie, and Bill Alton. As for the play itself, it is often witty, sometimes inspired, and almost always interesting. It is also, however, for all that, curiously ineffectual.

I suppose one ought to be grateful, as theater in New York goes these days, at least not to leave a show feeling numb and humilated. Even so, one still hopes for a good deal more than the final effect of "Dynamite Tonite." It's a show that offers to be important and memorable, and only succeeds finally in being interesting. That to be sure is *some*thing—quite a lot perhaps in the current state of things. And if it hadn't already closed, no doubt I would have felt some subliminal pressure to work up more enthusiasm for it—at least a bit more than I'm probably now going to convey.

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It's an anti-war play and its emphasis is on the absurdity of war—as well as the dizzying irrationality of our attachment to the war experience. The manner of treatment is lunatic, somewhat in the tradition of the Marx Brothers. And the dominant tone is a kind of idiot gaiety—in a context of inexpressible horror. And what makes the whole thing interesting is the high degree to which this manic, mind-boggling cheeriness does in fact express the horror behind and around it.

Lou Gilbert does a spastic little dance step (like almost everyone else on stage he has been horribly wounded) while snapping pictures of the "Peace" with an old Kodak. Gene Troobnick gives a blackboard talk on the tactics and philosophy of war and begins by writing the word "bra"—which turns out, quite meaninglessly, to be the initial letters of his three principal topics. The hapless and pathetic "Enemy" is represented by a pair of Rudolf Friml lovers, who perform sinuous sexless body-movements at one another while singing—in one of their few lapses *out* of gibberish—something called "Where in The World Would the World Be Without You and Me?" An imbecile soldier who has been reduced to the making of inarticulate animal sounds is complimented for sounding "sincere." A maimed and disfigured veteran, when congratulated by his buddies on retaining at least one eye, points out wistfully that he is of course blind in *that* eye. And the laughter that this last evokes (and Bill Alton plays the moment perfectly) is both real and distinctly nervous, as it ought to be. If any of what I've described makes the show sound "camp," let me hasten to add that it's not; it doesn't, for example, bear the kind of relation to war movies or plays that something like *Gorilla Queen* does to the jungle films of the thirties. The final effect of "Dynamite Tonite" is wholly serious—it communicates, however obliquely, a genuine sense of genuine horrors.

But even the best moments are hardly ever sustained long enough by the writing. Admittedly Mr. Weinstein is attempting—and often succeeding at—some very tricky effects. Still it seems more and more true as the play goes on that themes and ideas get announced only to be re-announced instead of developed or elaborated. And a case in point, unhappily, is the most memorable, most complexly effective scene in the play—when a recently blinded soldier sings and dances a gentle, melodic tribute to all the movies he won't now see. Everything conspires, it would seem, toward making this scene triumphant: Mr. Alton's performance, Mr. Bolcom's music—all the absurdity that the play is about gets concentrated and crystalized here, but with a new and enlarging element—a kind of nervous, hesitant tenderness toward the material and situation. But the song goes on, and one becomes aware of a growing weakness in the words—of the fact that nothing more is getting said now about the movies or about our relation to them beyond vague expressions of fondness and nostalgia. Again one has the sense as before in the evening of something clearly apprehended at first, slipping away into fogs of generalization.

Also there is a painfully effortful straining at "wittiness" that runs through the libretto like a tic, predictable, regular, and apparently unconquerable. As if the author were unable to resist *any* turn—or wrench—of phrase that occurred to him, only provided it was ingenious. "It rings true," sings one character. "But it thuds false," answers another—casually. There's a *lot* of that kind of thing, and it doesn't inspire confidence.

Finally, there's a very different aspect to the show that works in an odd way both for and against it. That is its obvious relevance to Vietnam. There are, for example, some things in it that sound like President Johnson set verbatim (and at last) to music. Particularly a song Gene Troobnick sings about the necessity of throwing bombs for peace. And we know as we listen of course, that exactly this mad notion—of bombing people to a peace table—and the equally mad arguments supporting it, are present facts of our national policy. And it is precisely this that makes the wit and mockery of the song seem somehow trivial and beside the point. All the wit, intelligence, and withering irony that a show like this one can muster sound suddenly and inevitably like popgun effects. The political reality makes the angry lunatic farce of "Dynamite Tonite" seem elegant and remote.

"MacBird"—by any standard I can imagine a far less accomplished and intelligent play (though it too is brilliantly performed)—is a far more satisfying occasion than "Dynamite Tonight." It is crude, coarse, scurrilous, and malicious—and it is *almost* adequate to our sense of the Johnson era. Under the circumstances it has been taken by many for a major achievement; it's not that, but it *is* a major event. And "Dynamite Tonite" is neither. Maybe in fact the time for generalized anti-war statements ("Dynamite Tonite" is clearly about Every-War—with props and settings that mostly suggest World War One) is simply past. After all nobody is more earnest or eloquent at making such statements than the otherwise inartistic men who wage war. The time has come, I suspect, in the theater as elsewhere, to name names—and the prestige of "MacBird" may be a sign of this.

Frank Gilroy's "That Summer—That Fall" (*closed at the Helen Hayes*) is both very bad and very short. It's a modern version of the Phaedra legend, and it must be even shorter to read—as it seems that nearly half the time of the performance is devoted by the actors to glowering silently. It's a strange thing to sit through, and you end up passing the quiet times by wondering what sort of calculations might have gone into it—at the script conferences, say. Did they suppose that as long as they had the Myth going for them (and we all know how people respond to a Myth), that throwing in a lot of dialogue, *too,* might just be rocking the boat?

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Anyway, what "That Summer—That Fall" seems generally to be is still another approach—and a cagey one—to the "problem" of Poetic Drama in Modern Times (where has all that Stature gone?). Most authors inflate and extend themselves for occasions like this; Mr. Gilroy, quite the opposite, has mostly chosen simply to keep his mouth shut, or rather his actors' mouths. And he does at least, by this method, avoid the unwitting comic effects that are usual to plays of this sort. Just how narrowly he avoids them is made clear whenever the dialogue puffs fleetingly into a metaphor—as it occasionally does—or hazards a bit of judicious lyricism. Still this is negative inspiration at best, and it doesn't fill the void where the play should be. Neither do the actors (almost all of whom are splendid, particularly the star, Irene Papas) nor the director, Ulu Gosbard. Nevertheless it really is Mr. Grosbard's evening—partly because his skill and good taste are often evident in it—but mostly because the fanatical reticence of the script gives him so much to do. And watching him try to do it—against heavy odds—offers some interest. But not in fact very much.

JAMES HARVEY

BOOKS

It's nothing at all—just a Friendly fight

Due to Circumstances Beyond Our Control . . .

FRED FRIENDLY

Random House, $6.95

RICHARD M. ELMAN

"So much of what is wrong with television is due to circumstances beyond somebody's control," Fred W. Friendly declares, in the opening pages of this combined *mea culpa* and *j'accuse*, as if apologizing in advance for the presumed harshness of a book which isn't really very critical of anything or anybody, a book which is at its best when it merely memorializes the author's long-standing collaboration at CBS with the late Ed Murrow, and at its worst whenever it seeks to analyze, much less criticize, CBS for dumping him overboard in favor of a fifth rerun of *I Love Lucy*.

Mr. Friendly, as you may recall, was president of CBS News at the time of former ambassador Kennan's appearance before the Senate Foreign Relations Committee to discuss his views on U.S. Vietnamese policy. Friendly proposed that CBS forfeit $500,000 in daytime revenues to broadcast these hearings live, but the network went along with its newly appointed vice president, John Schneider, and presented *I Love Lucy*. "You're painting yourself into a corner," Dr. Frank Stanton cautioned Friendly when he persisted in trying to press the matter of CBS' public responsibilities.

Friendly still didn't quite understand that CBS, a public company, regarded itself as its chief public responsibility. When he found himself compelled to tender his resignation, Mr. Paley and Dr. Stanton found themselves compelled to accept on behalf of the only public they had ever cared about. In fact, they seemed to much prefer the public-spiritedness of Schneider to that of Friendly, just as they much preferred *I Love Lucy* to Kennan, or as their foremost competitor, NBC, through whose auspices Friendly now speaks, much prefers the profits it accrues from Bernard Geis' *Valley of the Dolls* to what it will derive from Friendly's outpouring of conscience on behalf of Random House.

Unfortunately, Mr. Friendly still hasn't grasped the cool logic of such corporate opportunism, just as he hasn't quite grasped the rather frank transaction that occurred over *I Love Lucy*. He still prefers to regard chairman Paley and president Stanton as somewhat wayward stewards of the public interest, deflected from their good intentions by the stockholders, or perhaps in bondage to the affiliated stations, or to public taste, to everybody, in short, but themselves. Basically, Friendly would have us believe that these are enlightened natural aristocrats who really can't stand the stuff they are forced to serve up. Paley, he tell us, decorates his office with Picassos and Rouaults and the more spartan Stanton prefers a monumental Henry Moore.

Although this merely establishes these two buccaneers as having a rather fetichistic yearning for booty, Friendly takes it as proof of taste, and on this basis criticizes Paley for allowing the Pettycoat Junctions and Beverly Hillbillies of the Sixties to replace the Columbia Symphonys and Norman Corwins of the Thirties and Forties. Stanton, while conceded to be a man with little news experience or judgment, is presented as a dedicated, disciplined person with a huge fund of public-spiritedness, a confidant of LBJ. This description seems completely oblivious to Stanton's cliché-ridden style which can describe television as one of "the landmarks" in the "slow democratization of culture which has also been one of the mainsprings of Western civilization." It also conveniently neglects to cast a cold enough eye on the fact, revealed here for the first time, that Dr. Stanton thought the televising of US troops burning Vietnamese villages might only confuse the public. It seems that men like Stanton don't mind confusing the public by pitching soap at them, or with rigged quiz shows. It is only when the confusion is apt to lead people to the wrong conclusions that they make their case on behalf of restraint and dis-

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cipline.

Perhaps, then, a more incisive view of such men is given by James Aubrey in one of the early pages of Friendly's book. Aubrey was the network's noble savage so long as his barbarisms were of profit, but, once the law of averages caught up with this ruthless brainstormer so that he could only produce thousand-year-old eggs, Metternich Paley and Talleyrand Stanton were quick to demand the parvenue's head. The interesting thing is that Aubrey seemed so aware of this all along. At one point, when he and Friendly were at loggerheads, Aubrey confessed: ". . . You and I are always going to be at each other's throats. They say to me, 'Take your soiled little hands, get the ratings, and make as much money as you can'; they say to you, 'Take your lily-white hands, do your best, go the high road, and get us prestige.' "

It is a pity that Friendly was never able to perceive the wisdom in Aubrey's incisive analysis. Believing himself to be high-minded, he made the error of believing in Paley's and Stanton's declarations that they were also high-minded, but, when push came to shove, Stanton and Paley were idealistically committed only to corporate profits. Mr. Friendly's account of his dealings with these two Dickensian freebooters is, consequently, a declaration of innocence betrayed, lacking even the cynicism of the violated. Friendly still seems to believe that Paley would have liked to act differently, simply because Mr. Paley has let it be known to some that this is so. Odd that liberals like Friendly should have such great trust in men of affairs like Paley because they hang pictures on their walls when they put so little trust in the mass of men.

Upon leaving CBS, Mr. Friendly immediately accepted a position as Ford Foundation consultant to the nation's foremost "project uplift"— the sagging cause of educational television. Ford makes millions polluting TV with its advertisements for new cars and its subsidy of an appropriately puerile fare for such programs, and then it deals out a tiny slice of all this to ETV to do something about the mess. What more perfect example of the Aubrey vision of right hand and left hand operating with perfect integrity! If Mr. Friendly and his principal colleague on the project, Mr. Bundy, have their way, ETV may have the resources to compete with commercial television, but what do such hirelings to power and elitism hope that it accomplishes?

Some indication may be gleaned from what Friendly thought might be accomplished by broadcasting the Vietnamese hearings: "I believed, for my part, that healthy debates by responsible leaders could build national understanding of the President's position, and that the spectacle of Congressional leaders debating the war was far better than the epidemic of one-sided teach-ins and hostile demonstrations that had filled the void in the absence of a national debate. In my opinion, responsible debates and the subsequent Senate hearings actually de-escalated the demonstrations and draft-card burnings that so embarrassed the Administration."

Whether or not one accepts Friendly's analysis of the events, I think it is important to understand that this is the view of a man who essentially sees the function of educational television as an instrument of governmental policy. Therefore, for those reasonable Americans who do not condone this country's criminal behavior in Viet Nam, it may be prudent to question whether the encouragement of men like Friendly and Bundy to establish their hegemony over ETV is truly within the public interest.

Much the best part of Friendly's book, as I indicated earlier, attempts to describe his collaboration with Edward Murrow during the production of *See it Now, CBS Reports* etc. Mostly, this is a loving and respectful portrait of an uncommon man beset by *gonuvs*. Murrow may not have been the resident sage he has been eulogized as (by Mr Paley again, for one, who found himself so embarrassed by some of Murrow's documentaries that he plainly wasn't that sorry when the series had to end), but he was a man of decency and earnestness and a reasonable contempt for sham. It was because his sense of public order and decency was offended that he went after Senator McCarthy in that famed telecast, but he was not in such violent disagreement with what McCarthy was capitalizing on that he and Friendly did not feel it necessary to administer their own loyalty scrutiny of the staff of *See it Now* on the evening before the broadcast, hoping, thereby, to anticipate a smear.

In short, Murrow then—like Friendly today—was a liberal whose essential criticism of his culture was that the wrong men were doing the right jobs. But to criticize so is not to criticize at all, when faced with the growth of irresponsible and opportunistic corporate powers such as CBS who see themselves as extensions of government, with allies in Congress, the regulatory agencies, the White House itself.

Obviously, CBS would have preferred to peddle Friendly and Murrow if it paid them to do so. As this book makes inadvertently clear, the trouble with television today is not that brigands like Stanton and Paley have their hands tied, but that they are such believers in only one kind of power—the dollar—that anybody who sets out to reform them must be prepared to reform the whole system which gives them power to begin with. Otherwise he is nothing but a well-intentioned hypocrite.

We Give To Conquer

ASHER BRYNES

W. W. Norton, $4.50

VICTOR F. FERKISS

Foreign aid is in trouble, or so it would seem. Not only is Congress most grudging about appropriating money, but the executive branch is increasingly loath to ask for it. The public remains apathetic —accepting foreign aid at best as a necessary evil, while such public support as exists is generated by a small if influential minority of religious and political humanitarians backstopped by interested suppliers and exporters. The much-touted balance of payments problem has not improved the situation, while a new specter has arisen in the depletion of America's food stockpile, the disposition of which abroad was a major prop of our

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humanitarian efforts. Not only critics of foreign aid but some of its ardent supporters and—however dimly—the general public are beginning to realize that the "decade of development" proclaimed by Paul Hoffman at the outset of the Sixties is more than half over, while the rich continue to get richer and the poor poorer.

What better time, then, for a searching critique of the whole concept of American aid to underdeveloped areas, one which would focus not on occasional blatant waste, corruption, mismanagement or miscalculation, but on the whole rationale of this complex and expensive operation? Mr. Asher Brynes has missed a great opportunity. *We Give to Conquer* is a useful book. In many respects it belongs alongside of John Paton Davies' *Foreign and Other Affairs* on that small shelf of works which treat of current world politics in a manner free of jargon, obscurantism, and fashionable cant. His sophisticated and cynical capsule history of American and world politics in the last century and a half should be required reading for every liberal, clerical or lay. Mr. Brynes has wide government experience as a consultant to ECA and a special assistant to the Secretaries of Commerce and Agriculture. He knows what he is talking about and handles the language well. But his book resembles nothing other than the foreign aid program itself—a well-meaning and industrious, if not too well-organized, effort which adds up to very little.

Despite its title and the author's apparent intentions, *We Give to Conquer* lacks any clear central thesis, although Mr. Brynes makes a number of useful points in passing: by and large Western foreign aid is a failure, the underdeveloped world is simply not developing; the U.S. is far ahead of the Communist bloc in its aid activities; unilateral aid is necessarily imperialistic, seeking friends and often producing clients; and aid does more to bolster bad governments than to reform them. So far so good—or perhaps, so bad. But so what?

Brynes claims that since foreign aid is a form of competitive imperialism it is a danger to peace, and peace is infinitely more important than ineffective and tendentious aid programs. But this point, supposedly central to his argument is nowhere clearly stressed, much less demonstrated. By the author's own admission, the Communists are so far behind as to have virtually ceded the aid field to the West. And what evidence or logic indicates that they might seek to recoup their defeats by more warlike means? Since most foreign aid does little more to the recipients than disturb and demoralize them, how is it of value to its donor in the cold war struggle? More basically, why assume that rivalry in aiding, even if carried on by equal contestants for worthwhile stakes, would necessarily endanger peace? As a form of limited conflict, instead of leading to escalation to the military level, why might it not become an economic substitute for war? If imminent capitalist collapse is a spur to Communist aggression, might not American ability to run faster and faster upon the foreign aid treadmill dampen rather than excite the aggressive ardor of the opposition?

The failure of Brynes to think through the major premise on which his criticism of our aid program rests is clearly evident in his major positive proposal. Like most cynics he is at heart a utopian. His suggestion is that the United States contribute something like 3 and ½ times the amount it is now giving to unilateral foreign aid to a multilateral program to be called the "Peace Bonus," a plan which derives its name from the fact that as soon as any recipient nation engages in armed conflict with its neighbors every one of the underdeveloped nations would have all their aid cut off. Having rejected aid as a means to development, he envisions converting it into a giant bribe to national governments to stop rocking the boat.

There is of course much to be said for this idea. There is no reason why the West should support Nasser's tanks anymore than India's hundred-odd million useless cows, and a multilateral body would be in a better position to tell troublemakers to sit down and shut up than would a politically suspect individual power. But—even considering the growing and unsolved problem of nuclear proliferation—does the major threat to the peace come from the small nations and their quarrels? If the great powers were ready to bury their suspicions and rivalries sufficiently to agree to isolate the weaker nations in the fashion suggested, the major problems of maintaining a peaceful world would already have been overcome.

In the meantime what of the hungry and frustrated billions of the world? The sad fact remains that they are likely to remain poor and unhappy, as Mr. Brynes indicates. But despite this the world will probably go on. So too will foreign aid—helping many, hurting others, leaving most nations' basic problems unsolved. In the last analysis the peoples of the West—for reasons of hope, humanitarianism or habit—are unlikely to abandon foreign aid entirely. After all, few intelligent persons believe in the efficacy of traffic safety campaigns or in our contemporary penal system, but short of the millenium what else does one do?

The Man Who Grew Younger

JEROME CHARYN

Harper & Row, $4.95

ROBERT CORMIER

On the jacket of a Brubeck album, a critic comments on one of the pianist's improvisations: "Without so much as quoting a bar, his second chorus manages to suggest a heady whiff of *Stormy Weather* and later on . . . is an even more ephemeral but equally moving feeling of *Mad About The Boy*. Yes . . . it seems impossible to evoke specific tunes without playing any part of them, but Brubeck does it."

In literature, the gifted Jewish writers have done much the same thing in evoking the Jewish experience, particularly such writers as the Malamud of *The Assistant* and *The Magic Barrel*, and the Roth of *Goodbye, Columbus* and the Friedman of *A Mother's Kisses*. To be specific: even while you suffer with Morris Bober in his bleak grocery store, you know that this particular world does not exist and has never existed except in the marvelous geography of Malamud's vision. Yet, Morris and his pain are as real as this

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morning's heartburn.

This type of reality is uniquely created—differing, for instance, from the tape-recorder effect produced by O'Hara or the social history reports of Marquand or Hersey. Leaning altogether in another direction, there is a further aspect of Jewish writing that echoes Brubeck and this is the way in which much of the writing soars into fantasy, just as the pianist darts away from the original melody. Stunningly enough, the fantasy intensifies rather than diminishes the reality.

The point of all this is not a pitch for Brubeck but to indicate how the finest Jewish writers pierce your perception by indirection and misdirection, just as a pickpocket pressures your shoulder while lifting the wallet from your pocket. So achingly poignant and so shatteringly hilarious are their renditions that any writer invading their territory had better be a genius or the most clever of charlatans.

All of which leads finally to Jerome Charyn who is neither genius nor charlatan. He is the author of a current book containing a novella, "1944," and six short stories, all anchored in New York's East Bronx during World War Two. He has written two novels.

The most important story in the new book is the novella which tells of the adventures of nine-year-old Lippy Lipkowitz as related by his younger brother. Infants of the street, foul-tongued and raging to survive, Charyn's children lie and steal and cheat. They encounter street gang enemies ("Who gave ya permission to play here, huh, Jew boy?"), Hebrew School, terrible-tempered Uncle Max. They embrace Charlie Chan movies, their widowed mother, Classic Comics. They also possess a ragged innocence and a delicate integrity. When Lippy steals nylons, bubble gum and ration stamps, he refuses to sell the loot for profit.

For a few pages, it is all wonderfully noisy entertainment with undertones of pathos but by Page 28 we are still spectators and not participants. Somehow, Charyn misses the mark. Maybe he's too much of a late arrival. He is unable to rise above his vernacular ("gonna" and "hadda") while remaining faithful to it—a vital balancing act in this type of writing. Thus, his impoverishment of expression is exposed. In the end, his language is as poor as his characters' lives. The double poverty brings death; in fact, his people do not die, simply because they have never really lived.

Even the best of the stories suffer the same defects. In "Faigele The Idiotke," a retarded girl soars from a roof and plunges to her death. "The Man Who Grew Younger" is a starving writer who finally decides to sell out and finds that there are no buyers. In "Farewell! . . . Farewell! . . ." Leo Simonson who can't absorb the battlefield death of a friend returns home to commit suicide. These tragedies, of course, are supposed to affect other people in the stories and, ultimately, the reader. But we do not respond.

The terrible part of Charyn's failure is that he is obviously dedicated and probably writing the truth, playing the melody as it appears on the sheet music. So maybe Malamud and the others are charlatans? Impossible—because why, ten years later, can we still summon tears for poor Morris Bober and yet remain emotionless when we learn today that Leo Simonson has killed himself?

Perhaps the answer lies in the difference between sheer art and mere talent or the realization that truth isn't necessarily stranger than fiction or that it isn't the melody that really lingers on but the improvisation.

CORRESPONDENCE

(Continued from page 139)

Christian teaching regarding the Jews, everyone should take part, not only the indispensable experts and scholars, but also laymen and laywomen who may suffer less from theological professional warping. Above all, we need Jews to help us in this task, because the Christian sensitivity has been blunted for so long.

Since this is still the Easter season, may I add that not only is the re-word-

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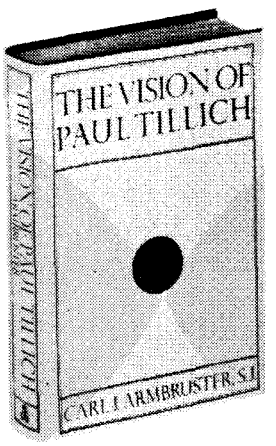

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ing of "the Jews" in St. John necessary as Prof. Zeik suggests, but that the doing away with the *Improperes* is long overdue. For the man in the street, they perpetuate, year after year, a religious emotional reaction against the Jews. In short, what is needed is more than improvement, but a whole process of purification of Christian teaching regarding the Jews.

CLAIRE HUCHET BISHOP

Chicago Report

Chicago, Illinois

To the Editors: Bruce Cook and *Commonweal* have done a service to the Catholic community in making more public the problems of academic freedom in the Chicago Archdiocese. Given the earlier garbled and incomplete versions of the St. Xavier incident on the part of the Catholic press and the present reluctance on the part of some Chicago dailies to reveal present occurrences fully, it is good to know that fewer "secrets" are being preserved and that American Catholicism is thus moving forward in assimilation of the democratic process.

Yet, since individuals are involved, permit me to make some minor corrections. Sister Olivia, president of St. Xavier, far from announcing the Archbishop's prohibition to the press, was at the time deeply shocked that one of her faculty members, without consulting her or anyone else, had assumed the responsibility for releasing to the press her letter to the faculty announcing the cancellation. Shortly before this unapproved release, and unconnected with it, Sister Olivia had turned down the suggestion of a few members of her order that the prohibition be made public. As distasteful and disappointing as the cancellation was to her personally and officially, she gave every indication of a genuine respectful compliance with the Archbishop's wishes in this matter. No religious authority could have asked for more. Thus the irony of the Archbishop's alleged accusations of incompetence and attempt to have her replaced.

These events, however, make even more apparent the weakness in Archbishop Cody's position—his failure to understand academic freedom. He has continuously assumed the unlimited authority of the Catholic college president over the faculty, failing to see that many decisions about teaching projects and personnel depend exclusively upon the judgment of the faculty and that other decisions, while made by the administration, hinge upon faculty consultation and participation. What has been true for almost a hundred years in American education, what is rapidly becoming true in Catholic academic life, has escaped the attention of the leader of the world's largest archdiocese.

The same theme, the Archbishop's blindness to an entire area of professional rights, is evidenced in the decree of September 21. What Cook's article failed to reveal was the specific objection of the academic community to that totally unacceptable *part* of the decree requiring that deans of colleges and universities secure clearance from the chancery office before inviting or engaging in any academic commitment with an extern priest. Despite the objection of a professorial minority who opposed the *entire* decree, the academic community was willing to leave for future consideration by others those presumably less unacceptable requirements of clearance, solely between teacher-priest and chancery office, that did not directly involve a college administrator. The cases alleged by Cook, involving infringements upon academic freedom without involving a single dean, now indicate how tightly the control over the entirety of incoming academic travel was involved on September 21.

It is thoroughly believable, as the chancery office announced, that the Archbishop never intended to restrict academic freedom. The powerful restrictions that have followed from his good intentions indicate an honest unawareness of a total area in academic life. What is tragic about the situation is that the Archbishop has not placed himself in a learning position that would lead to accord and understanding. Having ignored three requests for an audience from a local inter-faculty committee, he persists in viewing the academic community's recourse to public protest as a form of impious blackmail or, perhaps worse, insubordination. Whatever the truth of this, it is perhaps more important that he become increasingly sensitive to the more personal elements of the situation and leave aside for the time being questions of juridical niceties and canonical rights. For public protest through mass media, while a normal democratic process, in this situation has all the overtones (and unfortunately the harshness) of an act of desperation. It is a way of saying that if we were granted an audience we would not be heard as professionals, friends or equals and that our rights would be bestowed upon us rather than recognized.

That is not the way a Christian teacher should feel about his bishop.

JOURNET KAHN
Professor of Psychology
St. Xavier College

Chicago, Ill.

To the Editors: This letter is in regard to the following quotation from the article by Mr. Bruce Cook in the March 24 issue of *Commonweal*: "There are also reliable reports to the effect that Arch-

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RICHARD M. ELMAN is the author of *The 28th Day of Elul* (Scribners). He has worked in television and as a producer for Pacifica Radio.

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bishop Cody has frequently written the Mother Superior of the Sisters of Mercy accusing Sister Olivia of incompetence and urging her replacement as Xavier's president."

I would like to say that this statement is completely unfounded and untrue.

MOTHER MARY PAULITA, R.S.M.
Mother Provincial, Sisters of Mercy

Oak Park, Ill.

To the Editors: As Jesuit provincial of the Chicago Province, I feel obligated to comment on some statements in Mr. Bruce Cook's recent article (March 24, 1967), "Getting Your Visa for Chicago." Mr. Cook writes (page 6): "A Jesuit from another city wrote to the Chicago provincial, telling him that he would be coming to the city to do graduate work in sociology. He was advised that under the circumstances, he had better clear things with the Chicago Chancery. He did and was refused permission to come. The difficulty here, as in a few other cases, seems to be that the priest was to attend the University of Chicago. It seems to be the Archbishop's keen desire that Catholic Religious attend Catholic religious institutions."

First I must question Mr. Cook's assertion that the "Jesuit from another city" was advised to seek approval directly from the Chicago Chancery for graduate work at the University of Chicago. I cannot remember any case where a Jesuit was so advised, since it is not our policy to follow such a procedure. Episcopal approvals for such matters are always sought from this office. Moreover, the policy to request episcopal approval was in effect long before Archbishop Cody came to Chicago.

In the interest of truth I have made a careful study of all correspondence with the Chicago Chancery in this regard since Archbishop Cody's installation on June 16, 1965. Since that date we have requested permission from the Chancery for 59 Jesuits to engage in graduate studies at the various non-Catholic universities of Chicago. 39 of these were applied to the University of Chicago proper. In no case has Archbishop Cody refused his approval, or even raised a question about our men assigned to studies in non-Catholic universities of this area.

JOHN R. CONNERY, S. J.
Provincial, Chicago Province

Reply

Chicago, Ill.

To the Editors: I admit error on one point of fact. Sister Olivia did not announce the news that Archbishop Cody had turned thumbs down on the St. Xavier College's theology symposium. The news was leaked by a member of the faculty. I might add, too, the decision to go to the press with the story was not made hastily nor before all possibilities of appeal had been exhausted. As a matter of fact, while researching a story on Archbishop Cody's first six months in Chicago for the *National Catholic Reporter*, I heard of the difficulties the college was having with the Archbishop on the planned symposium, but I was asked by a faculty member to say nothing of it in print because there still seemed some chance that it might be allowed. I cooperated, and it was not until three weeks later (two weeks after my article in *N.C.R.*) that the matter was finally thrown to the court of last resort.

Commenting on the letter of Mother Mary Paulita, R.S.M., I can only say that after a careful reading, I concur completely with what she says.

As to Father Connery's conscientious effort to set things straight, I must say I am at something of a disadvantage in answering here. My account of the case of the "Jesuit from another city" was vague. It is because of this, I'm sure, that he has trouble recognizing the particular priest to whom I was referring. I could drop a hint—the matter had to do with the replacement of a Jesuit chaplain at a high school—and hope that he is reminded. But I really can't go much beyond that out of consideration for my sources. No one is less fond than I of this jargon of "reliable reports," unnamed informants, and so forth, but in an atmosphere of repression and constraint where reprisal is not a possibility but a certainty, it is the only vocabulary that a reporter can, in conscience, use.

BRUCE COOK

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Lay Responsibility

A central part of the spirit of reform has to be a wholly new way of looking at the layman—or, more accurately, a return to an older and better way. The bishops have to face the fact that their office has, in a sense, been overemphasized since the Protestant Reformation. An attack on the entire principle of episcopal authority led to great and, eventually, exaggerated stress on precisely this point inside the Church. The result was a great trend toward clericalism and a de-emphasis on the whole role of the layman. What we need now are efforts to achieve a proper balance and to restore the layman to his true dignity and function inside the Church.

It should be emphasized here that what is needed is not more rhetoric or fulsome tributes to the layman, pleasing as these may be. What is needed is creation. We need structures that will make it possible for the layman to share more fully in the deliberations of, and responsibility for, the Church. It is not enough to tell the layman to participate—*how* is he to do it?

—James O'Gara, COMMONWEAL
October 28, 1966

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